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FEDERAL ELECTION  
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Respondent and his wife each lived in Hope for many years. As such, when making his announcement speech, Governor Huckabee was surrounded by longtime friends and supporters. These are people who know him well, who supported his previous campaigns for Governor and President, and who know that he has a wonderful and active sense of humor.

During his announcement speech, Respondent noted that his campaign would not be funded by wealthy individuals, but instead by the kind of Americans who live in Hope. As the Complaint concedes, Respondent stated that "I will be funded and fueled not by the billionaires, but by working people across America who will find out that \$15- and \$25-a-month contributions can take us from Hope to higher ground." Looking down then at his lifelong friends, and with a big smile, Respondent then jokingly added, "now, rest assured, if you want to give a million dollars, please do it." His audience members, recognizing this as a joke, particularly in light of the fact that many of them would be hard-pressed to give anywhere near the maximum contribution of \$2,700, laughed wholeheartedly.

Mr. Brock's organization, however, smelled an opportunity. Here was another chance to get ADLF's name in the paper, and to harass a Republican candidate. ADLF jumped to file its latest Complaint, and it quickly announced to the media that it was doing so. For the reasons set forth below, the Complaint is entirely without merit, and it should be dismissed.

II. Legal Analysis. The Complaint alleges not only that Respondent's humorous comment was actually a genuine solicitation, but also that it was "a clear reference, and would have been understood by his audience to refer to, a newly formed independent expenditure committee." Each of these unsupported allegations is incorrect.

First, Respondent's comment was not a solicitation. As the FEC's regulation states,

to solicit means to ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation is an oral or written communication that, construed as reasonably understood in the context in which it is made, contains a clear message asking, requesting, or recommending that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value. A solicitation may be made directly or indirectly. The context includes the conduct of persons involved in the communication. . . .

11 C.F.R. § 300.2(m) (emphasis added).

Respondent's statement did not satisfy this definition. Construed "as reasonably understood in the context in which it was made," Respondent's comment to his lifelong supporters was nothing more than a humorous comment. It was a joke among friends. It was not a genuine ask or an actual request for a million-dollar contribution.

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It bears noting that, when the Commission revised the definition of the term "to solicit" in 2006, the Commission specifically noted that words that might otherwise be a solicitation in other circumstances will not qualify as such if they are made in a context which indicates that they are used "as part of a joke." Specifically, the Commission said this:

By specifying that a communication must be construed as reasonably understood in the context in which it is made, the definition of "to solicit" contains an objective test that takes into account all appropriate information and circumstances while avoiding subjective interpretations.

The revised definition retains the requirement that a communication must contain some affirmative verbalization, whether oral or in writing, to be a solicitation. In addition, the Commission believes that it is necessary to reasonably construe the communication in context, rather than hinging the application of the law on subjective interpretations of the Federal candidate's or officeholder's communications or on the varied understandings of the listener. The revised definition reflects the need to account for the context of the communication and the necessity of doing so through an objective test. . . .

The context of a communication is often important because words that would not, by their literal meaning, convey a solicitation, may in some contexts be reasonably understood as one. Conversely, words that would by their plain meaning normally be understood as a solicitation, may not be a solicitation when considered in context, such as when the words are used as part of a joke or parody.

"Definitions of 'Solicit' and 'Direct; Final Rule;" 71 Fed. Reg. 13926-02, 13929 (March 20, 2006) (emphasis added).

This language perfectly characterizes what occurred in this case. Respondent's humorous comment was not an actual solicitation. No objective observer would have reasonably understood that an actual solicitation for a million-dollar contribution had been made.<sup>1</sup>

Second, the Complaint's contention that the comment was a solicitation for a separate independent expenditure committee is baseless. Nowhere in Respondent's announcement speech did he refer to or mention any such committee. The fact that Respondent never referenced any such committee, either directly or indirectly, is fatal to the Complaint.

<sup>1</sup> Respondent will shortly provide the Commission with a DVD containing a video clip of Respondent's comment, which will clearly demonstrate the humorous context in which the comment was made. Any objective observer would have understood the comment to be a joke - and, indeed, the laughter from the actual audience indicates that they understood it that way.

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It also seems apparent that ADLF recognizes that very point. It is frequently the case that a complaining party will attempt to convince a regulatory agency to overlook a glaring evidentiary or substantive hole in its allegations by asserting that something it has alleged is "clear." ADLF's assertion that Respondent's statement was a "clear reference" to another political committee - one that was never directly or indirectly referenced in the speech or at the event - is a perfect example of this principle.

ADLF's other remaining argument is also without merit. In an attempt to support its allegation that Respondent was soliciting for a super PAC, ADLF states as follows:

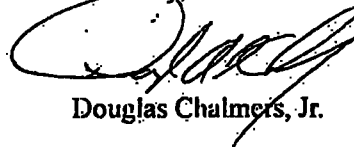
Solicitations need not be explicit. For instance, statements such as "You have reached the limit of what you may contribute directly to my campaign, but you can further help my campaign by assisting the State party" or "Giving to Group X would be a very smart idea" are solicitations, as are more explicit statements such as "Please give \$100,000 to Group X."

The mere recitation of these quotes highlights the fatal deficiencies in the Complaint. In each of the quotes cited above, the candidate specifically referenced another group, i.e., the "state party" or "Group X." In this case, no such other group was mentioned. The reason that no other group was mentioned was because the Governor was not soliciting a contribution for another group. He was instead sharing a moment of humor with some of his long-standing supporters in his small home town, jokingly wishing that his friends and supporters there - who he had just talked to about giving \$15 or \$25 a month - could give much more to his campaign.

III. Conclusion. President Franklin D. Roosevelt once observed that "the saving grace of America lies in the fact that the overwhelming majority of Americans are possessed of two great qualities - a sense of humor and a sense of proportion." In filing the instant Complaint, the leadership of ADLF has once again demonstrated that it lacks either characteristic.

Construed reasonably in the context in which it was made - which the Commission's regulation expressly requires - Respondent's humorous comment was not an actual solicitation, much less a solicitation for any third party political committee. Respondent did not violate the Act, and he respectfully requests that the Commission dismiss the Complaint. Respondent also expressly reserves all Constitutional, statutory or other defenses available under the law.

Sincerely,



Douglas Chalmers, Jr.



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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date: \_\_\_\_\_ Signature (Respondent/Agent): \_\_\_\_\_ Title: N/A

RESPONDENT: Governor Mike Huckabee  
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: P.O. Box 3357  
(Please Print) Little Rock, AR 72203

Telephone (H): Use above please (W): \_\_\_\_\_

E-mail: Use above please

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